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**VICTIM WITNESS DIVISION**

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3501 West Osborn  
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**RICHARD M. ROMLEY**  
Maricopa County Attorney

# **Victims' Rights In Juvenile Court**

## **Your Guide to the Juvenile Justice System**



## **MARICOPA COUNTY ATTORNEY'S OFFICE**

**RICHARD M. ROMLEY**  
Maricopa County Attorney

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# A LETTER FROM THE MARICOPA COUNTY ATTORNEY

All too often a crime causes many hardships for victims and witnesses. While you, as a victim, may be struggling with the emotional and financial ramifications of a delinquent act, you may also be involved in the juvenile justice system. It is my intention that your participation in the juvenile justice process does not cause you additional hardships.



It is my hope that we can work together as a team to effectively prosecute those who have broken the law. The Maricopa County Attorney's Office serves the public as an advocate for the State and as a voice for you, the victim. I am committed to seeing that you are treated with fairness, dignity and respect. The juvenile justice system needs your cooperation and participation if we are to succeed in our goal of deterring crime and preserving the safety of our community.

For most people, the juvenile justice system is very complicated, with rules, procedures and terminology that is unknown to them. We have prepared this brochure to help you understand the process that we must go through to prosecute a juvenile accused of committing a delinquent act and to help you understand your rights as a victim. If you have any questions or concerns related to your participation in the juvenile justice process, I encourage you to contact the Victim Witness Division, Juvenile Bureau at (480) 962-8002 (Eastside Bureau) or (602) 445-3877 (Westside Bureau). The Victim Witness Division, Juvenile Bureau has been established to provide you with information about the juvenile court system, social service assistance and as a communication link with the juvenile justice system.

It is my commitment to the public that the Maricopa County Attorney's Office shall vigorously prosecute those who have broken the law while being responsive to your needs as a victim. Together, as a team, we can make our community a safe place to live.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Romley".

Richard M. Romley  
Maricopa County Attorney

## WORKSHEET FOR IMPORTANT NUMBERS AND DATES

Juvenile Defendant's Name(s): \_\_\_\_\_

Case Number: \_\_\_\_\_

Charges: \_\_\_\_\_

Law Enforcement Case Number: \_\_\_\_\_

Detective: \_\_\_\_\_

\_\_\_\_\_

Phone # \_\_\_\_\_

Deputy County Attorney: \_\_\_\_\_

\_\_\_\_\_

Phone # \_\_\_\_\_

Victim Witness Advocate: \_\_\_\_\_

\_\_\_\_\_

Phone # \_\_\_\_\_

Juvenile Probation Officer: \_\_\_\_\_

\_\_\_\_\_

Phone # \_\_\_\_\_

Advisory Hearing Date: \_\_\_\_\_

Transfer Hearing Date: \_\_\_\_\_

Detained Advisory Hearing Date(s): \_\_\_\_\_

Adjudication Hearing Date: \_\_\_\_\_

Disposition Hearing Date: \_\_\_\_\_

Judge's Name: \_\_\_\_\_

Defense Attorney's Name: \_\_\_\_\_

Other Names and Numbers: \_\_\_\_\_

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## VICTIMS' RIGHTS IN JUVENILE COURT

In Arizona, victims of juvenile crime have been given many rights from the State Constitution and Arizona law. This brochure will help you to understand these rights and some of the procedures you need to follow to exercise your rights.

To exercise many of your rights, you must make a request to the governmental agency responsible for performing that duty. Each agency may have different procedures for invoking your rights, including requiring that you fill out that agency's specific request form.

### ***Who is the Victim?***

By law, a person or business is a victim if the act committed by a juvenile would constitute a felony offense, or a misdemeanor offense involving physical injury, the threat of physical injury or a sexual offense if the act was committed by an adult. If the victim is killed or incapacitated, the victim's spouse, parent, child or other lawful representative, may be the victim. A victim does not have the same rights if the victim is in custody for an offense.

The victim may designate another person to be a "lawful representative." If you have done so, this office will send notification and confer with your lawful representative, not with you.

If the victim is a minor child, the child's parent is considered the lawful representative, if the parent is not the accused. If the child's parents live at two separate addresses, we will provide notice and the right to confer to the parent who has custody. If the parents have joint custody, we will ask the parents to designate one person as the lawful representative. If the parents cannot agree on the designated lawful representative, we will ask the court to decide.

If the victim is incapacitated or is deceased, we will provide notification to the next of kin provided to this office by the law enforcement agency investigating the crime. The spouse, parent or child (according to the laws of succession) will be afforded all of the rights of the victim if requested. If several members of the victim's family wish to exercise the victim's rights, this office will request the family to designate one person to exercise the victim's rights. If the family is unable to do so, this office will ask the court to designate one member of the family.

If you, as the victim, have hired an attorney to help you exercise your victim's rights, this office will provide notice to your attorney and confer with your attorney, unless your attorney permits us to speak with you and send notice to you. You should inform your attorney if you would prefer to receive notice and other information directly from this office.

By law, a corporation, partnership, association or other legal entity that is a victim of a delinquent act has different rights because of its status as an artificial entity. Please refer to **Business Victims' Rights in Juvenile Court** for more detailed information.

If a delinquent act involves a sepecific crime, within a neighborhood that has registered as an association within the city, town or county clerk's office, the designated representative of the association is the victim. Neighborhood Associations have different rights than Individual and Business victims. Please refer to **Neighborhood Associations Victims' Rights in Juvenile Court** for more information.

### ***Victims' Rights During Investigation***

As soon as possible after the detection of a crime, the law enforcement agency investigating the crime has the duty to provide you with information about your rights and how to request them if it does not interfere with their investigation or arrest of the suspect. They will give you an opportunity to request or not request (waive) applicable rights to which you are entitled. The law enforcement agency investigating the crime also has the duty to provide you with information about emergency services available to you, and information about the arrest and the detained advisory hearing for the juvenile defendant. The law enforcement agency has the duty to:

- tell you whether the suspect is an adult or juvenile;
- tell you of the juvenile's arrest, at the earliest opportunity;
- tell you how to get information about court dates if the juvenile defendant is issued a citation;
- tell you about domestic violence services; and
- provide information about public and private victim assistance programs, including the Maricopa County Victim Compensation Program and other programs that provide counseling and support services.

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The law enforcement agency will also provide you with a phone number to contact the detention screening section of the juvenile probation department to immediately request notice of all of the following:

- the juvenile's release;
- the date, time and place of the detained advisory hearing and any changes to that schedule; and
- if you choose to exercise the right to be heard through a written statement, how that statement may be submitted to the court.

If you would like the return of your property, please contact your Victim Witness Advocate and the Advocate will contact the law enforcement agency who will then consult with the prosecuting attorney. Reasonable efforts will be made to return your property to you as soon as possible or inform you why the property may not be returned. If your property has been admitted as evidence during a hearing or proceeding, the court may order its release to you if a photograph can be substituted.

You have the right to request notification from the Detention Screening Center of the Juvenile Probation Department if the juvenile defendant has escaped or will be released from custody or will be detained pending the detained advisory hearing. You also have the right to request a copy of the terms and conditions of the juvenile defendant's release from custody from the Juvenile Probation Department.

If the Maricopa County Attorney's Office has made the decision to not prosecute a case and the juvenile defendant is not in custody, this office will notify you of the decision in writing and of your right to confer with the prosecutor prior to the decision becoming final. If the juvenile defendant is in custody, this office will notify the listed victim(s) of the decision by telephone. If you receive a letter or a telephone call, and you want to exercise your right to confer, you must contact the telephone number listed within eight (8) working days.

### ***Victims' Rights Before an Adjudication Hearing***

If you have requested your victims' rights, the Maricopa County Attorney's Office has the duty to inform you of the charge(s) filed against the juvenile defendant. After charges have been filed, the Maricopa County Attorney's Office will:

- withhold your home address and telephone number;

and the name, address and telephone number of your place of employment from disclosure to the juvenile defendant and/or the juvenile's attorney;

- inform you of the person within the County Attorney's Office to contact for more information;
- provide you with written notice of the date, time and place of a delinquency proceeding if the court provides five (5) days advance notice;
- attempt to provide you with verbal notice by telephone during business hours of the date, time and place of the delinquency proceeding if the court schedules the proceeding in less than five (5) days;
- confer with you prior to a hearing to release the juvenile defendant from custody, provided that the court has given this office adequate notice of the proceeding;
- confer with you, prior to entering into a plea agreement;
- confer with you prior to a withdrawal of a request to transfer the juvenile defendant to adult court;
- advise you of what charges have been filed or diverted; and
- confer with you prior to an adjudication or transfer hearing.

Your right to confer with the prosecutor is an opportunity for you to get answers to your questions, to better understand the juvenile court system and the reason behind some legal decisions, and to express your opinion to the prosecutor. Your right to confer does not include the right to direct the prosecution of the case.

It is common for court dates to be continued. If you have an opinion about the continuance of a scheduled court date, you should inform the Deputy County Attorney or the Victim Witness Advocate by calling to let him or her know your opinion about a continuance. The Deputy County Attorney will inform the court if you do not want the court date to be continued. If the court decides to continue the case anyway, the court may state on the record the reasons for the continuance. If you choose not to attend a court hearing and wish to know if a court has continued the hearing, you should call the Juvenile Court to inquire. This office will not provide separate written notice of court continuances that are set in less than five (5) days.

## ***Transfer Hearing***

Recent changes to Arizona law allow the prosecution to file most serious offenses directly into adult court if the juvenile offender is 14 years or older. If the law does not allow filing directly into adult court and it is the opinion of the Maricopa County Attorney's Office that the juvenile defendant should be transferred to adult court for criminal prosecution, this office will file a motion with the Clerk of the Court. Upon receipt of the motion for transfer, the juvenile probation officer will conduct a transfer investigation and make a written report for the court. As a victim, you do not have the right to a copy of the transfer report. However, upon request, the Maricopa County Attorney's Office will notify you of the date set for the transfer hearing. Transfer Hearings involve two steps. The court must determine if there is probable cause and determine if the juvenile would benefit from treatment services. If the court decides not to transfer the case to adult court, an adjudication hearing date will be set at that time. If the court grants the Maricopa County Attorney's Office request for transfer, the juvenile will be transferred from the juvenile justice system to stand trial as an adult. This office can then provide you with information about the adult criminal justice system and your victims' rights.

## ***Victims' Rights Regarding Defense Interviews***

In Arizona, the attorney for the juvenile defendant has the right to interview all of the witnesses who will be testifying for the prosecution (the State). However, as a victim you have the right to refuse to submit to a pre-adjudication (pre-trial) interview, deposition or other discovery request by the juvenile's defense attorney or investigator. After charges have been filed, if the defense attorney wants to interview you, the attorney must make a request for an interview through the prosecutor. This office will then ask you if you will want to submit to an interview with the juvenile's defense attorney before the adjudication (trial) hearing. It is your decision if you will grant an interview.

If you grant an interview, you still have the right to:

- refuse to submit to an interview or deposition if the juvenile defendant is present; and

- terminate the interview at any time. You have the right to place conditions on the interview or deposition by:
- specifying a reasonable date, time, duration and location of the interview or deposition;
- being accompanied to an interview or deposition by a relative, or supportive person if that person is not a witness.

## ***Victims' Rights During Delinquency Proceedings (Trials or Hearings)***

During delinquency proceedings you have the right:

- to be present in the courtroom at all court hearings whenever the juvenile defendant has the right to be present;
- to be accompanied to any judicial proceeding by a relative or other supportive person unless that person is also a witness;
- to make a statement to the court at a proceeding in



which the court considers the juvenile defendant's release from post-arrest detention, a change of plea, or at the disposition proceeding;

- to have the court provide appropriate safeguards to minimize any contact that might occur between yourself and the juvenile defendant or the defendant's family or friends;
- not to testify regarding your address, telephone numbers, place of employment or other locating information unless you consent or the court orders disclosure after finding that a compelling need for the information exists;
- to ask the prosecutor to have the court reconsider the juvenile defendant's release from post-arrest detention. If the prosecutor decides not to do this, the prosecutor will inform you of that decision and of your right to petition the court to have the juvenile defendant's release revoked based upon your notarized statement that harassment, threats, physical violence or intimidation against you or your immediate family

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has occurred by the juvenile defendant or on behalf of the defendant; and

- to have the court, prosecutor and law enforcement officials take appropriate action to ensure a speedy adjudication (trial).

You may exercise your right to be heard in the form of an oral statement or it may be written, audio taped or videotaped. The Maricopa County Attorney's Office cannot assist you in audio or videotaping your statement. If you, as the victim, are in custody, you may exercise your right to make a statement only by submitting a written statement to the court.

You have a right to be present at all delinquency proceedings in which the juvenile defendant has a right to be present. However, you do not need to attend court proceedings unless you receive a subpoena or have been asked to attend by the Deputy County Attorney. If you choose to come to court to watch the proceedings, you should check in with the Victim Witness Advocate and/or the Deputy County Attorney so that the court and the prosecutor know that you are present.

The prosecutor may assist you in exercising your rights at any judicial proceeding, upon your request. However, if there is conflict between you and the County Attorney's Office, you may hire your own attorney to represent you or our office will provide you with referrals to legal assistance agencies.

Please be aware that an Adjudication and Disposition can occur at the Advisory Hearing. Therefore, if you want to exercise your rights as a victim, you should attend the Advisory Hearing in case all three hearings should occur at the same time.

### ***Victims' Rights Prior to Disposition Proceeding***

After the juvenile defendant has entered a guilty or no contest plea or has been found delinquent (guilty) for an offense, a pre-disposition investigation is conducted. You have the right to provide the Pre-Disposition Investigator with information regarding the emotional, physical and financial impact the crime has had on you and to state your recommendation regarding the disposition (called sentencing in adult court) of the juvenile. You also have the right to submit a written impact state-

ment or make an oral impact statement to the probation officer for the officer's use in preparing a pre-disposition report.

In addition, you have the right to the following information from the pre-disposition report:

- the juvenile's history of referral to juvenile court;
- the probation officer's assessment of the case;
- the disposition and treatment recommendations;
- the juvenile's detention history; and
- to have the court order the delinquent to pay restitution for your economic losses directly related to the crime.

You also have the right to be informed of the time, place and date of the disposition proceeding and to also be present and heard at this proceeding.

At the disposition proceeding, the court will consider the nature of the delinquent act and the age, physical and mental condition and earning capacity of the juvenile when determining the amount of restitution or monetary assessment. Based on these considerations, the court may substitute community service for all or part of the amount of restitution or monetary assessment. If the juvenile delinquent is given a disposition of probation or commitment to the Arizona Department of Juvenile Corrections, the juvenile court may order the following dispositions for the delinquent:

- to make full or partial restitution to the victim, or
- to pay a reasonable monetary assessment if the court determines that an assessment will aid the rehabilitation of the delinquent.

If the delinquent is given a disposition of probation, the court will require the delinquent to complete one or more of the following in order to satisfy the payment of restitution or monetary assessment:

- make lump sum or installment payments through the Clerk of Superior Court;
- a program of work which will not conflict with the delinquent's regular schooling;
- to repair damage to the victim's property;
- to perform community service;
- to provide the delinquent with a job to earn wages; or
- order the child's parents or guardians to pay restitution.

If the delinquent is committed to the Arizona



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Department of Juvenile Corrections, the court will specify the amount of monetary restitution or assessment. If the director of the Arizona Department of Juvenile Corrections determines that enforcement of an order for monetary assessment as a term and condition of parole is not cost effective, the director may require the delinquent to perform an equivalent amount of community service in lieu of the payment ordered as a condition of parole.

The court's order for restitution or monetary assessment will specify the amount of reimbursement and the portion of wages from work performed by the delinquent that is to be credited toward the satisfaction of the restitution or monetary assessment, whether the juvenile is placed on probation or committed to the Arizona Department of Juvenile Corrections.

The juvenile court will monitor restitution payments ordered by the court until the delinquent reaches the age of eighteen years. When the delinquent is eighteen years of age, the court will make a judgement (decision) in favor of each victim entitled to restitution for the unpaid balance of any restitution ordered. As a victim you have the right to file a civil judgement against the delinquent after he reaches eighteen years of age for any unpaid balance of restitution.

### ***Victims' Rights After Disposition***

After the juvenile defendant has been adjudicated delinquent, and if you have requested notification, the Maricopa County Attorney's Office will notify you of the disposition — in adult court this is called a sentence — imposed by the court and will send you a "Post-Adjudication Notification Request Form." You must complete this form if you want to request your rights to post-adjudication notification. It will be your responsibility to complete the form and to mail it to all of the governmental agencies, listed at the bottom of each sheet. By completing this form, you will be informed of all post-adjudication hearings and events.

Upon request, you have the following rights:

- to be notified by the Arizona Department of Juvenile Corrections of the your right to be present and heard at any proceeding in which the release of the delinquent from confinement (secure care status) is being considered;

- to be notified by the Arizona Department of Juvenile Corrections of the placement of the delinquent on conditional liberty/parole, work furlough, community supervision, or any other type of release or death of the delinquent;
- to be notified by the Arizona Department of Juvenile Corrections of the escape or readmission of the delinquent;
- to be notified by the Maricopa County Attorney's Office of any appeal of the delinquent's disposition;
- to be notified by the Maricopa County Juvenile Probation Department of a revocation disposition, termination, or modification of probation if the modification will substantially affect the delinquent's contact with or the safety of the victim or if the modification affects restitution or confinement status;
- to be present and make a statement at a probation revocation disposition proceeding, or any proceeding in which the Juvenile Court is requested to terminate probation that substantially affect the delinquent's contact with or the safety of the victim or restitution or confinement status.

### ***Exercising Your Rights***

It is important that you keep the Maricopa County Attorney's Office informed of your current name, address and telephone number. If we are informed by the Postal Service that notifications mailed to the address that you have provided are not deliverable, this will constitute a withdrawal of your rights. This office will make an effort to notify you of hearings set on short notice if you provide a telephone number(s) where you can be reached (or message left) during business hours.

You may request or restore your rights at any time during the course of prosecution by completing a "Pre-Adjudication Request Form" and mailing or delivering it to this office. If the juvenile defendant was adjudicated delinquent, then you must complete the "Post-Adjudication Request Form" and mail it to the appropriate government agencies.

This office will not send your victim request information to any other agencies. Therefore, if you want notification or information from another agency, you will need to make your request directly to the responsible agency.

The following section will clarify each agency's responsibility and provide you with the telephone numbers to contact.

By law, a person has rights as a victim after the arrest or formal charging of the person(s) responsible for a delinquent act. If the final termination of a criminal prosecution is by dismissal with prejudice or acquittal, the victim no longer is entitled to such rights. If the juvenile delinquent received a disposition of probation or commitment to the Arizona Department of Juvenile Corrections, the victim has rights until the juvenile delinquent has completed his/her disposition.

If you have any questions about your rights or your involvement in the juvenile justice process, contact the Maricopa County Attorney's Office Victim Witness Division, Juvenile Bureau or the Deputy County Attorney prosecuting the juvenile defendant. The phone numbers are listed in the following section.

### ***"Crime Victim Advocate"***

By law, victims have the right to confidential communication with a "Crime Victim Advocate" who works for an agency that primarily provides counseling, treatment, or other supportive assistance. Because the Maricopa County Attorney's Office is a prosecutor's office and not a counseling agency, Victim Witness Advocates with the Maricopa County Attorney's Office, Victim Witness Division, are not considered "Crime Victim Advocates." Therefore, you do not have the right to confidential communication with a Maricopa County Attorney's Office Victim Witness Advocate.

Victim Witness Advocates primarily assist you and the prosecutor by providing criminal justice information and victims' rights related services. A Victim Witness Advocate may speak with the Deputy County Attorney without your written consent. However, if you want a "Crime Victim Advocate" (such as your counselor or therapist) to share confidential information with the Deputy County Attorney, you must provide written consent. With your consent, if the "Crime Victim Advocate" shares confidential information with the Deputy County Attorney, by law, this information must also be provided to the juvenile's defense attorney.



### ***HIV (AIDS) Testing***

If you are a victim of a sexual offense or have been exposed to the blood or bodily fluids of the juvenile during the commission of the delinquent act, the court may order the juvenile to submit to HIV testing (for the AIDS virus). As a victim, you have the right to be informed of the test results.

### ***Victims of Sexual Offenses***

If you are the victim of a sexual offense, any medical expenses arising out of the need of the State to obtain evidence will be paid by the County. However, this does not include payment for medical treatment. You may be eligible for crime victim compensation for these expenses (See page 17).

### ***Business Victims' Rights in Juvenile Court***

By law, a corporation, partnership, association or other legal entity that is a victim of a delinquent act has different rights because of its status as an artificial entity. Businesses that are victims of delinquent acts have the right:

- to have a lawful representative appear and be heard at any proceeding relating to restitution or disposition of the juvenile delinquent;
- to submit to the court a written statement containing information and opinions on restitution and disposition;
- to request notification of the date and time of any proceeding relating to restitution or disposition of the juvenile delinquent; and
- to be present and heard at any proceeding relating to restitution or disposition of the juvenile delinquent.

Other rights that are provided to individual victims by constitution and law do not apply to business victims. Therefore, the lawful representative of a business victim cannot refuse a pre-adjudication interview conducted by the juvenile defendant's attorney, may not be allowed to be present in court whenever the juvenile defendant is

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allowed to be present, is not provided notification of court dates nor post-adjudication events, etc.

It is important that business victims keep the Maricopa County Attorney's Office informed of the business' current address and telephone number. Failure to do so is considered a waiver of the business' right to notification.

### ***Neighborhood Associations Victims' Rights in Juvenile Court***

In order for a neighborhood association to invoke their victims' rights, the association must register with the city, town or county clerk's office in which the association is located. The neighborhood association must provide the name and telephone number of one person who will act on behalf of the neighborhood association and who will receive notice or invoke the rights for the association.

If the delinquent act involves one of the following crimes within a neighborhood, the neighborhood association's designated contact person is the victim:

- Enticement of Person for Purpose of Prostitution, [A.R.S. § 13-3201];
- Receiving Earning of Prostitute, [A.R.S. § 13-3204];
- Operating or Maintaining a House of Prostitution, [A.R.S. § 13-3208(B)];
- Pandering, [A.R.S. § 13-209];
- Marijuana Possession, Use, Production, Sale or Transportation, [A.R.S. § 13-3405];
- Dangerous Drugs Possession, Use, Administration, Acquisition, Manufacture or Transportation, [A.R.S. § 13-3407];

- Narcotic Drugs Possession, Use, Administration, Acquisition, Sale, Manufacture or Transportation, [A.R.S. § 13-3408];
- Using Building for Sale or Manufacture of Dangerous or Narcotic Drug, Fortification of a Building, [A.R.S. § 13-3421]; or
- Conducting a Chop Shop, [A.R.S. § 13-4702];

If the neighborhood association wishes to invoke victims' rights for one of the above referenced crimes that occurred in their neighborhood, the designated contact person must contact the law enforcement agency responsible for the arrest of the offender.

By law, the neighborhood association is afforded the following victims' rights:

- to have a designated contact person receive notice of the date, time of any proceeding involving the juvenile defendant;
- to have a designated contact person present at all juvenile delinquency proceedings in which the juvenile defendant has the right to be present.
- to be present and heard at any proceeding relating to the disposition of the juvenile defendant.

It is important that the designated contact person of the neighborhood association keep the Maricopa County Attorney's Office informed of his/her current address and telephone number. Failure to do so is considered a waiver of the neighborhood association's right to notification.

# JURISDICTIONAL RESPONSIBILITIES

## Victims' Rights                      Responsible Agency

**Investigation Information.....Police Department**  
(see brochure provided by law enforcement for phone numbers)

**Detained Advisory Hearing (arrest)....Detention Screening Center**  
**Juvenile Probation Department**  
Southeast Facility .....(602) 506-2676  
Durango Facility.....(602) 506-4284  
Victims' Rights Coordinator ....(602) 506-4471

**or**

**.....Maricopa County Sheriff's Detention Information Services .....(602) 256-0322**

**Charging Information.....Maricopa County Attorney's Office**  
**Victim Witness Division**  
Juvenile Eastside Bureau.....(480) 962-8002  
Juvenile Westside Bureau.....(602) 445-3877

**Advisory Hearing (summons).....Maricopa County Attorney's Office**  
**Victim Witness Division**  
Juvenile Eastside Bureau.....(480) 962-8002  
Juvenile Westside Bureau.....(602) 445-3877

**Pre-Adjudication Detention...Detention Release Notification Screening Center**  
**Juvenile Probation Department**  
Southeast Facility .....(602) 506-2676  
Durango Facility.....(602) 506-4284  
Victims' Rights Coordinator ....(602) 506-4471

**Pre-Adjudication Court Date Notification.....Maricopa County Attorney's Office**  
**Victim Witness Division**  
Juvenile Eastside Bureau.....(480) 962-8002  
Juvenile Westside Bureau.....(602) 445-3877

**Post-Adjudication Release Notification.....A Z Department of Juvenile Corrections**  
Information number.....(623) 869-9050

**Disposition Notification .....Maricopa County Attorney's Office**  
**Victim Witness Division**  
Juvenile Eastside Bureau.....(480) 962-8002  
Juvenile Westside Bureau.....(602) 445-3877

**Probation Notification .....Maricopa County Juvenile Probation Department**  
Victims' Rights Coordinator ....(602) 506-4471

**Post-Adjudication Review Notification (Appeals to the Trial Court) .....Maricopa County Attorney's Office**  
**Victim Witness Division**  
Juvenile Eastside Bureau.....(480) 962-8002  
Juvenile Westside Bureau.....(602) 445-3877

**Mental Health Treatment Facility Release Department.....Juvenile Probation**  
Southeast Facility .....(602) 506-2676  
Durango Facility .....(602) 506-4284  
AZ Department of  
Juvenile Corrections .....(623) 869-9050



Require special accommodation due to a disability? Please contact the Victim Witness Division, Juvenile Bureau at (480) 926-8002 (Eastside) or (602) 445-3877 (Westside) three working days prior to the event. Hearing impaired: Arizona Relay Service (602) 506-4294.

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## THE JUVENILE JUSTICE SYSTEM

The Juvenile Justice System is quite different from the Adult Criminal Justice System. The Juvenile Justice System's primary objective is to rehabilitate the juvenile as the Adult Criminal Justice System's objectives are to deter crime, rehabilitate and punish the offender. In addition, the terminology used in the juvenile justice system is different from the adult criminal justice process. The following is a listing of commonly used terms in juvenile court and how they correlate to the adult criminal justice system.

<u>Juvenile Justice System</u>	<u>Adult Criminal Justice System</u>
Delinquent Act .....	Crime
Adjudication Hearing .....	Trial
Found Delinquent .....	Convicted/Found Guilty
Disposition .....	Sentencing
Secure Care Status .....	Incarceration

As a victim or witness to a crime, you will probably have many questions about what to expect when you are involved in the juvenile justice process. The following is a brief description of the process that must be followed to prosecute a juvenile accused of committing a delinquent act. If a juvenile is transferred from the juvenile justice system to stand trial as an adult, the case will proceed differently. The Maricopa County Attorney's Office will provide you with information about the adult criminal justice system if the juvenile is transferred.

### ***The Crime***

When you are the victim or witness of a crime, you should immediately call 9-1-1 or the law enforcement agency (Police, Sheriff, or Department of Public Safety) which has responsibility for the area where the crime occurred. The best thing you can do is to call the law enforcement agency immediately; the longer you wait the harder it will be to catch the criminal.

### ***Initial Investigation***

In most cases an initial investigation of a crime is con-

ducted by a patrol officer who responds to the crime scene or the location of the victim, shortly after the crime is reported. Naturally, the officer will first assist those who need medical attention. The patrol officer will interview the victim(s) and any witness(es) when the officer arrives and will begin an initial report listing the circumstances of the crime. In addition, an officer may take photographs and dust for fingerprints during an inspection of the scene.

Identification technicians, who are specialists, may also respond to the scene if there is a need to take special photographs of the crime scene or the victim, to record possible fingerprints, to collect physical evidence, and to draw a composite of any suspects.

In certain cases, a Deputy County Attorney may be present at the scene to assist the police in the investigation of the crime.

The patrol officer then completes a departmental report (DR) which is routed to detectives who investigate that particular type of crime.

### ***Follow-up Investigation***

The patrol officer's report is then reviewed by a sergeant or another ranking officer in the Detective Division. The case is then assigned to a detective for a more complete follow-up investigation. Detectives may contact witnesses for a formal statement, may obtain further physical evidence, and may request further descriptions of suspects or stolen property. During the course of an investigation, photographic line-ups may be shown to victims and witnesses. These photographic line-ups may or may not contain the photograph of the juvenile offender.

### ***Formal Charging Procedure***

When the investigating officer believes that a suspect has been identified and that there is sufficient evidence, a Delinquency Complaint/Referral, alleging the commission of a delinquent act, is submitted to the Juvenile Probation Department. A Juvenile Probation Officer will submit a Delinquency Complaint/Referral to the Maricopa County Attorney's Office with a request that a

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Petition be filed with the Juvenile Court if the delinquent act is:

- a felony;
- the third time the juvenile is accused of committing a misdemeanor; or
- a first or second time misdemeanor and the Juvenile Probation Department feels the juvenile needs additional sanctions not available through diversion.

A Deputy County Attorney with the Maricopa County Attorney's Office will review the case. The Deputy County Attorney may request that the detective furnish additional investigative work to complete the case. If the prosecutor believes that the report provides sufficient evidence to indicate that the alleged juvenile offender has committed a delinquent act and if, in the prosecutor's judgement there is a reasonable likelihood that the juvenile will be found delinquent at an adjudication hearing, the prosecutor will file a Petition alleging delinquent behavior with the Juvenile Court. Sometimes, the prosecutor determines that there is insufficient "legal evidence" which will result in a finding of delinquency and a Petition will not be filed.

If filed, the Petition is then presented to a Judge, who will either order that the juvenile be taken into custody or issue a citation requiring the juvenile to appear in court on a specific day.

### ***Advisory Hearings***

When a juvenile defendant is arrested and taken into custody, he or she is taken to the Detention Screening Center. The court will then decide whether or not the juvenile will be held in custody to await a Detained Advisory Hearing. If the juvenile is detained, the County Attorney must determine whether to file charges. Within twenty-four (24) hours after the detention decision, the juvenile must be taken before a judge for a Detained Advisory Hearing. Many juvenile defendants are released at this hearing to their parents, guardian or person having custody or control of the juvenile, with a personal promise that the juvenile will return to court when required for an Adjudication Hearing.

If the juvenile defendant is not in custody, the juvenile, the juvenile's parents, guardian or custodian, will be notified to appear before the court within thirty (30) days

for an Advisory Hearing.

At the Advisory Hearing the juvenile defendant is informed of the exact nature of the charges against him/her. The juvenile is also advised that he/she should have an attorney and if he/she cannot afford an attorney, one will be provided at public expense. The juvenile defendant is asked to enter a plea to the charges against him/her. Normally, a plea of "not guilty" is entered and an Adjudication Hearing date is set. Defendants are entitled to a speedy trial. An Adjudication Hearing must be set within thirty (30) days after the date of the Advisory Hearing. In extraordinary circumstances, the Adjudication Hearing may occur later.

If the juvenile defendant enters a plea of "guilty" at the Advisory Hearing, a Disposition Hearing date is set or the Disposition Hearing can take place immediately after the juvenile's change of plea. Please be aware that an Adjudication and Disposition can occur at the Advisory Hearing. Therefore, if you want to exercise your rights as a victim, you should attend the Advisory Hearing in case all three hearings should occur at the same time.

Contact between the juvenile defendant and victims or witnesses is also restricted. It is against the law for anyone to harass or intimidate a witness. Any harassment should be reported to the police, the prosecutor, or the Victim Witness Division as soon as possible. Remember that if the harassment is not reported, it probably will not stop.

### ***Pre-Adjudication Actions/Hearings***

After the Advisory Hearing there are many activities performed in preparation for the adjudication hearing. By Arizona Rules of Procedure for the Juvenile Court, both the prosecutor and the defense must disclose information to the other party. This process, called discovery, includes providing the juvenile's defense attorney with a copy of the police report and any other written information and includes interviews with prospective witnesses. In Arizona, the defense has the right to interview all of the State's witnesses prior to adjudication or a plea agreement. However, as the victim, you have the right to refuse to submit to a pre-adjudication interview, deposition or other discovery request by the juvenile defendant,

the juvenile's attorney or other person acting on behalf of the juvenile defendant. If anyone approaches you about the case, you should insist that he/she identify him/herself as representing either the prosecution or the defense so that you have the opportunity to exercise your right to refuse a pre-adjudication interview with the juvenile's defense attorney.

In addition to discovery, there may be several court hearings that are scheduled before the adjudication. At these hearings, motions may be heard from either the prosecutor or the defense regarding the admissibility of evidence, pre-adjudication release of the juvenile defendant or other matters of concern to the attorneys or the court. Unless you are subpoenaed to appear for a pre-adjudication hearing, you do not need to be present, unless you so desire.

### ***Motion for Transfer to Adult Court***

Recent changes to Arizona law allow the prosecution to file most serious offenses directly into adult court if the juvenile offender is 14 years or older and is accused of any of the following offenses:

- First degree murder;
- Second degree murder;
- Forcible sexual assault
- Armed robbery;
- Any other violent felony offense; or
- Any felony offense committed by a chronic felony offender.

If the law does not allow filing directly into adult court and it is the opinion of the Maricopa County Attorney's Office that the juvenile defendant should be transferred to adult court for criminal prosecution, this office will file a motion with the Court to transfer the juvenile to adult court. In most circumstances, a motion to transfer the juvenile defendant to adult court for criminal prosecution is filed fifteen (15) days after the date of the Advisory Hearing.

A Transfer Hearing may be held thirty (30) days after the date of the Advisory Hearing. If the Motion for Transfer is filed after the Advisory Hearing, the Transfer Hearing may be held thirty (30) days after the filing of the Motion for Transfer.

If the court denies or dismisses the Motion for

Transfer, an Adjudication Hearing for the juvenile defendant may take place thirty (30) days after the date of the order denying or dismissing the motion.

### ***Competency of the Juvenile Defendant***

If the defense attorney thinks that a juvenile defendant may not be competent to be adjudicated because the juvenile cannot assist in his/her defense, the defense attorney may request that the court order a psychiatric evaluation of the juvenile. If the court orders the evaluation, the process typically takes at least one month. A hearing is then scheduled for the Judge to decide if the juvenile defendant is or is not competent to be adjudicated. After reviewing the reports of the doctors and/or hearing testimony, the Judge makes a determination about the competency of the juvenile defendant. If the Judge determines that the juvenile is competent, the case proceeds through the juvenile justice process.

If the juvenile defendant is found to be incompetent, a Judge may order that the juvenile defendant undergo mental health treatment until he/she becomes competent. When the juvenile becomes competent, the case proceeds through the juvenile justice process. If a Judge determines that the juvenile defendant is incompetent and will not become competent in the near future, the Judge has options: the Judge may order that the juvenile be involuntarily committed to a mental health facility for treatment or the Judge may dismiss the charges and the juvenile is then released from custody, if the juvenile defendant is not civilly committed.

Even if the juvenile defendant has been determined to be competent, the juvenile is still allowed to raise an insanity defense at adjudication.

### ***Plea Agreements***

Before the Adjudication Hearing, the Deputy County Attorney prosecuting the case may discuss the possibility of a negotiated case settlement with the juvenile's defense attorney. The defense attorney may seek an agreement for the juvenile to plead guilty to the original charge(s) or to some lesser charge(s), a dismissal of certain charges, or a commitment from the Deputy County Attorney not to file additional charges. The Deputy County Attorney will confer with you about a plea agreement before it is entered in court. Please contact the

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Deputy County Attorney or Victim Witness Advocate to express your opinion about a plea agreement.

If an agreement is reached, the attorneys and the juvenile defendant may appear before a Judge for a change of plea hearing or at the Adjudication Hearing. The juvenile enters a plea of guilty as agreed, and signs a form declaring that he/she is knowingly giving up various rights, including his/her right to an adjudication hearing and the right to cross examine witnesses. As a victim, you have the right to be present and to make a statement expressing your opinion about the plea agreement. The Judge may consider your opinion when deciding whether or not to accept the plea agreement. Upon the acceptance of the plea agreement, the Judge will enter a finding of delinquency against the juvenile defendant.

### **Adjudication**

If a plea agreement is not reached, the case may go to an Adjudication Hearing. All parties to the case, including the prosecution witnesses and defense witnesses, will be subpoenaed (summoned) in advance to testify before a Judge. Witnesses may be excluded from the courtroom until they are finished testifying. The argument for this rule is to ensure that a witness isn't influenced by the testimony of another witness. As the victim, you have the right to be present throughout the hearing. Since there are no jury trials in juvenile court, the Judge will determine whether or not the juvenile is innocent or guilty of committing a delinquent act after hearing the facts of the case.

At the Adjudication Hearing, the prosecution and the defense may make opening statements to the Judge to explain the case. The Deputy County Attorney then presents the case against the juvenile defendant. It is the responsibility of the State to prove "beyond a reasonable doubt" that a delinquent act was committed and the juvenile defendant is guilty of committing the act. To meet this burden of proof, the Deputy County Attorney presents evidence and calls witnesses to testify. Witnesses are required to testify under oath and may be cross-examined by the juvenile's defense attorney.

After the prosecutor presents the case against the juvenile defendant, the defense has an opportunity to present its evidence. On advice of counsel, the juvenile may or may not testify. As is the case with prosecution witnesses, defense witnesses are subject to cross-exami-

nation by the prosecutor.

Following the defense's case, rebuttal witnesses may be called by the prosecutor to discredit statements and facts presented by the defense. At the end of the adjudication hearing, attorneys for the prosecution and defense make their final arguments to the Judge.

The prosecution must prove its case "beyond a reasonable doubt." If the Judge makes a determination, after hearing all of the evidence, that the juvenile defendant is "not guilty", it means that in the Judge's opinion, the State failed to prove the case beyond a reasonable doubt and the juvenile defendant is released. If this occurs, the State cannot appeal the Judge's verdict and the matter cannot be retried. If the Judge determines that the juvenile defendant is delinquent, the Judge sets a date for the Disposition Hearing.

### **Disposition**

If the juvenile defendant pleads guilty to the delinquent act, or if the juvenile is adjudicated delinquent (found guilty), the Judge will set a date for the Disposition Hearing and will also request a Pre-Disposition Report on the juvenile delinquent from the Maricopa County Juvenile Probation Department. A Disposition Hearing will be held for a juvenile in custody no later than thirty (30) days after the adjudication of delinquency and not later than forty-five (45) days for a juvenile who is not in custody.

The Pre-Disposition report discusses the juvenile delinquent's behavior, family life and any other delinquent acts he/she may have committed and will contain a recommendation for a specific disposition or sentence. The Juvenile Probation Officer will contact the victim(s) as part of the investigation. The victim may also submit a written statement to the Judge through the Probation Officer. This statement may contain the victim's request for restitution, the repayment of monetary losses suffered by the victim. In some situations, when either the Deputy County Attorney or the juvenile's defense attorney has strong feelings about the recommended disposition of the juvenile, testimony especially relevant to the disposition may be heard at the Disposition Hearing. If you are the victim of a delinquent act, you are allowed to make a statement to the Judge at the time of the juvenile's Disposition Hearing.



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The Judge may order the defendant to pay restitution if the victim has suffered a monetary loss directly related to the delinquent act or may order the delinquent to perform community service in lieu of restitution. Please be aware that if the juvenile is under fifteen years of age, the Judge cannot order the juvenile to work for wages in order to pay restitution. If restitution is ordered by the Judge, it will be paid as a condition of probation or conditional liberty/parole. Restitution payments are paid to the Clerk of the Court who then mails the payment to the victim.

***Probation, Commitment to Arizona Department of Juvenile Corrections, Conditional Liberty/Parole***

If the juvenile delinquent is placed on probation or intensive probation, they may be under many restrictions of conduct and travel. Any inappropriate action by a juvenile delinquent placed on probation, including unauthorized contact with victims and witnesses, should be reported to the Maricopa County Juvenile Probation Office.

After September 30, 1995, the Arizona Department of Juvenile Corrections in cooperation with the Juvenile Court developed length of stay guidelines regarding the amount of time the juvenile will have to serve while incarcerated, consistent with the juvenile delinquent's treatment and public safety considerations. Each juvenile delinquent who is placed in a secure care facility (Arizona Department of Juvenile Corrections) will be assigned a length of stay pursuant to the guidelines. If the court imposed a length of stay in the Arizona Department of Juvenile Corrections, the Department of Juvenile Corrections may not release the juvenile from secure care status until the juvenile completes the length of stay imposed. The Arizona Department of Juvenile Corrections may not release the juvenile early from secure care status without first obtaining prior approval from the court. The juvenile delinquent may become eligible for conditional liberty/parole. The Arizona Department of Juvenile Corrections is the agency that determines if the juvenile is to be released from secured care status on conditional liberty or parole. If the juvenile is released on conditional liberty, the Arizona Depart-

ment of Juvenile Corrections is responsible for supervising the juvenile, and they should be contacted if any problems occur.

As a victim, you have the right to be notified of a Conditional Liberty /Parole Hearing by the Arizona Department of Juvenile Corrections, and you have the right to be heard at any Conditional Liberty/ Parole Hearing. You also have the right to be informed by the Arizona Department of Juvenile Corrections, on request, when the juvenile is released from confinement. The Arizona Department of Juvenile Corrections will notify you if the juvenile escapes.

A juvenile delinquent's placement on probation and commitment to the Arizona Department of Juvenile Corrections terminates when the juvenile reaches the age of eighteen.

***Appeals***

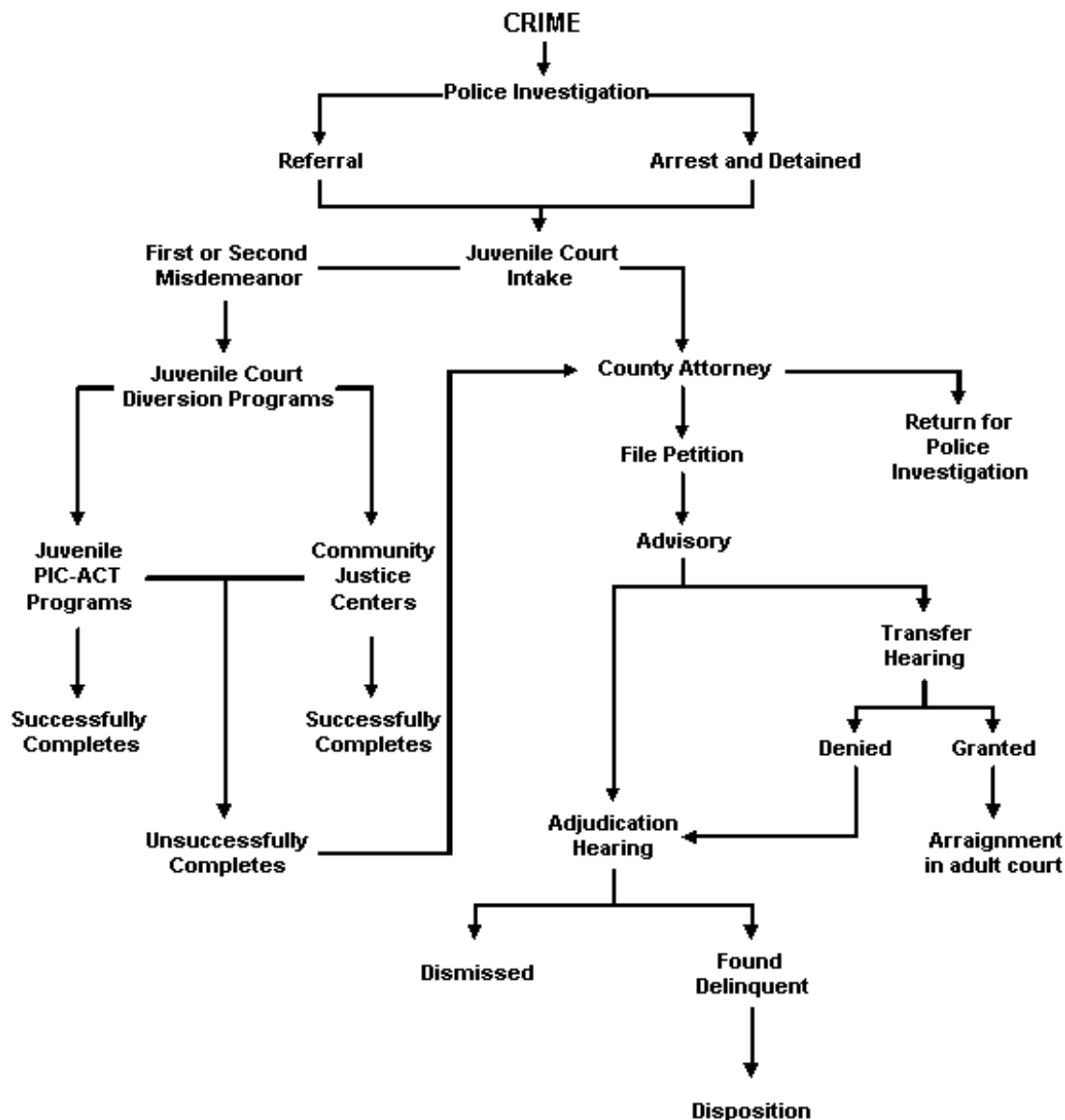
At any stage of the proceeding, the juvenile has the right to appeal any final order of the court. An appeal is a formal request from the juvenile through the juvenile's defense attorney asking for an appellate court to review the case to determine if all of the juvenile delinquent's rights were observed and that the procedures and laws were followed. The Maricopa County Attorney's Office will handle the appeal on behalf of the State. Cases are reviewed on appeal in writing. In some cases oral arguments of the attorney's are heard by the court. The testimony of victims and witnesses is not allowed. However, you may attend this proceeding if you wish.

If you would like to be notified of any appeals of a delinquent act to a higher court, you may contact the Maricopa County Attorney's Office Victim Witness Division. Our office will then notify you of the status and outcome of any appeal to a higher court.



This is a very simplified explanation of how the Juvenile Justice System operates. It may not explain how a particular case will be handled. Further information may be obtained by calling the Victim Witness Division at (602) 455-3877 (Juvenile Westside Bureau) or (480)962-8002 (Juvenile Eastside Bureau).

## JUVENILE CASE FLOW



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## COMMON CONCERNS

For most people, their involvement in the juvenile justice system as a result of being a victim of or witness to a delinquent act raises many concerns. It is our desire to minimize any hardships that you may encounter.

### ***Personal Property***

The successful prosecution of a juvenile accused of committing a delinquent act entails presenting evidence to a Judge. Very often, law enforcement agencies will keep stolen property or property that is needed as evidence to prove the case. Property that is kept for this purpose must be held throughout the juvenile justice process, including adjudication and appeal.

In some cases, property may be photographed and returned to its rightful owner. If you have any questions about the return of your property that has been recovered or taken for evidentiary purposes, please contact the detective, Deputy County Attorney or Victim Witness Advocate.

### ***Transportation***

The Mesa and Durango Juvenile Court Centers as well as the Maricopa County Attorney's Office Juvenile Division are accessible to bus routes. If you travel by private vehicle, please locate parking in one of several lots in the vicinity. Please be aware that the office cannot pay for tickets for expired metered parking.

If you have problems with transportation, please advise the Deputy County Attorney handling the case or the Victim Witness Advocate.

### ***Pre-Adjudication Interviews***

The Arizona Rules of Procedure for the Juvenile Court allow the attorney for the juvenile defendant to interview all the State's witnesses before the adjudication hearing and for the Deputy County Attorney to interview the witnesses for the defendant before the adjudication hearing, in order to more fully prepare their cases. As a victim, you have the constitutional right not to talk to the juvenile's defense attorney or investigator. You may discuss the case with them if you wish to do so. The

choice is entirely your own. You may simply say "I'm sorry, but the answer is no." However, if you do agree to an interview with a representative of the defense, here are some suggestions:

- First and foremost, you should always do your very best to tell "the truth, the whole truth, and nothing but the truth."
- If you give a statement to an attorney or an investigator for the government or the defense, you do not have to sign the statement. Any statement that you make during an interview, even if not signed, may be used to try to challenge or discredit your testimony in court, if your court testimony differs from the first statement. This applies even to oral statements that are not reduced to writing at all.
- If you decide to sign the statement, make sure that you read it over very carefully beforehand, and correct any mistakes.
- Ask to have a copy. Whether you sign the statement or not, you may tell the defense attorney or defense investigator that you will refuse to give a statement unless you receive a copy of it.

If you agree to have an interview with the juvenile's defense attorney or investigator, please let the Deputy County Attorney know. You may set whatever conditions that you would like on this interview. Some of these conditions may include:

- Not agreeing to be interviewed if the defendant is present for this interview.
- Scheduling the interview at your convenience and requesting that the Deputy County Attorney be present. The defense attorney's job is to protect the rights and interests of the defendant. The Deputy County Attorney can assist you in asserting your rights as a victim and to protect your interests during the interview.
- Pre-adjudication interviews are frequently conducted in the Deputy County Attorney's Office. Usually the interview is tape recorded to preserve your answers. Occasionally, a court reporter may be present for this purpose.

- You have the right to have a supportive person with you during this interview. This person may not answer questions for you or interrupt the interview.

Because this is an informal interview, you are allowed to take breaks for something to drink or to use the restroom.

The following are additional tips for the interview.

- Always answer the questions asked of you truthfully.
- Before the interview, try to picture what happened so that you can recall the event accurately when you are questioned.
- Speak up. Do not nod “yes” or “no”, say it. If the answer requires more than a yes or no answer, ask to explain your answer.
- If you do not understand the questions, say so.
- If you did not hear a question, ask for it to be repeated.
- If you do not know the answer, say “I don’t know.” Do not guess.
- If you are estimating time or distance, say it is an estimate.
- Answer questions fully, but do not volunteer information that isn’t asked for.
- If you make a mistake in an answer, say so and correct it.
- Do not lose your temper or curse at attorneys. Try to remain calm so that you can give a correct answer to a question.

If you have any questions, please contact the Victim Witness Advocate assigned to your case.

### ***Testifying in Juvenile Court***

When you are called to court as a witness, you will receive a subpoena. The subpoena tells you the date, time and place where you are to appear. The subpoena usually has a telephone number for you to call the afternoon before you are scheduled to appear. Please remember to call that number. Frequently, court dates are continued and you will know this if you take the time to make that call. This will save you from coming to court unnecessarily.

Normally, witnesses are not allowed in the courtroom before they testify. The reason for this is so their testimony won’t be influenced by what they hear from other

witnesses. As the victim you have the constitutional right to be present throughout the trial.

Prior to taking the witness stand, the Judge’s clerk will ask your name and ask you to take the oath. The oath is your promise that you will tell the truth when testifying.

The bailiff will escort you to the witness stand. When you are seated, the microphone will be adjusted so that you are comfortable and you can be heard.

### ***Tips to Testifying***

- Dress appropriately. A neat and clean appearance is important.
- Be on time. You may want to bring a book or magazine with you in case you have to wait.
- Review the case in your mind a day or two before court to help you remember what occurred. You may ask the Deputy County Attorney to let you review any statement you gave in order to refresh your memory.
- When on the witness stand, listen carefully to the questions. Answer any question that is asked without offering extra information.
- Speak loudly enough and clearly enough for the Judge and the court reporter to hear you. Do not chew gum when you are testifying.
- Stop testifying when one of the attorneys “objects” to a question or if the Judge asks you to. Do not answer the question until the Judge tells you what to do. If you are told to answer the question, you may ask the attorney to repeat it.
- Do not be afraid to say that you have discussed the facts of the delinquent act (crime) with other people such as your family, the police, the Deputy County Attorney or the Defense Attorney, if you agreed to a pre-adjudication interview.
- During the adjudication hearing, do not discuss your testimony with anyone except the attorney—this includes your family or other witnesses. After the Judge has reached a decision or verdict in the case, you may discuss your testimony and the testimony of others. To do so beforehand may cause a mistrial.
- As a witness, your testimony is important. Always tell the truth.

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### **Witness Fees**

Arizona does not provide for witness fees in delinquency cases. In limited circumstances, funds may be available to assist the State's witnesses with transportation expenses, especially if you live outside Maricopa County.

### **Victim Compensation**

If you have been the victim of a delinquent act committed in Maricopa County, you may be eligible for victim compensation to assist you with financial expenses that you may have incurred.

In Arizona, victim compensation is funded by fees paid by convicted felons. The State, through local boards, disburses compensation to eligible victims of crime. The Maricopa County Attorney's Office Victim Compensation Bureau is the local victim compensation agency for Maricopa County.

You can apply for:

- medical expenses,
- funeral expenses,
- loss of wages related to injuries sustained during the delinquent act, and
- mental health counseling.

You may be eligible for victim compensation if you:

- are legally present in the United States,
- are victimized in Maricopa County,
- report the delinquent act to a police agency within 72 hours,
- willingly cooperate with appropriate law enforcement agencies,
- incur economic loss for the above compensable expenses,
- suffer physical injury, extreme mental distress, or the death of a family member as direct result of the delinquent act, and
- file an application with the Victim Compensation Bureau within one year of the date of the crime.

Compensation is **not** available for:

- property loss or damage,
- pain and suffering,
- attorney's fees,
- expenses that would benefit an offender, or
- a person serving a term of incarceration, including home arrest or work furlough.

To file a claim, contact:

Maricopa County Attorney's Office  
Victim Compensation Bureau  
301 W. Jefferson  
Phoenix, Arizona 85003  
Telephone: (602) 506-4955

### **Restitution**

Restitution is an order by the court for the juvenile delinquent to reimburse you for your out-of-pocket expenses directly related to the delinquent act. If restitution is ordered at the time of the disposition, it may include expenses for: lost property, medical, funeral or counseling expenses, and lost wages. Restitution cannot be ordered for "pain and suffering." If the juvenile is committed to the Arizona Department of Juvenile Corrections or is placed on probation, the Judge may order that the delinquent begin paying restitution in a monthly sum to the Clerk of the Court. The Clerk of the Court is responsible for disseminating checks to all of the victims or agencies that suffered out-of-pocket expenses as a result of the delinquent act, for example, your insurance company.

If you want to insure that restitution is ordered, it will be important to keep receipts of your expenses. When you are contacted by the pre-disposition investigator, inform him/her of your losses and mail the pre-disposition investigator copies of your receipts. The pre-disposition investigator will then include a recommendation for restitution in his/her report to the Judge at the time of the disposition.

If you have any questions regarding restitution, please contact the Victim Witness Advocate assigned to your case.

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## ***Counseling***

For the majority of victims, the delinquent act will often throw their lives into turmoil. The degree to which this occurs is dependent on a number of things. Many victims of serious delinquent acts have stated that counseling assisted them in recovering from the crime.

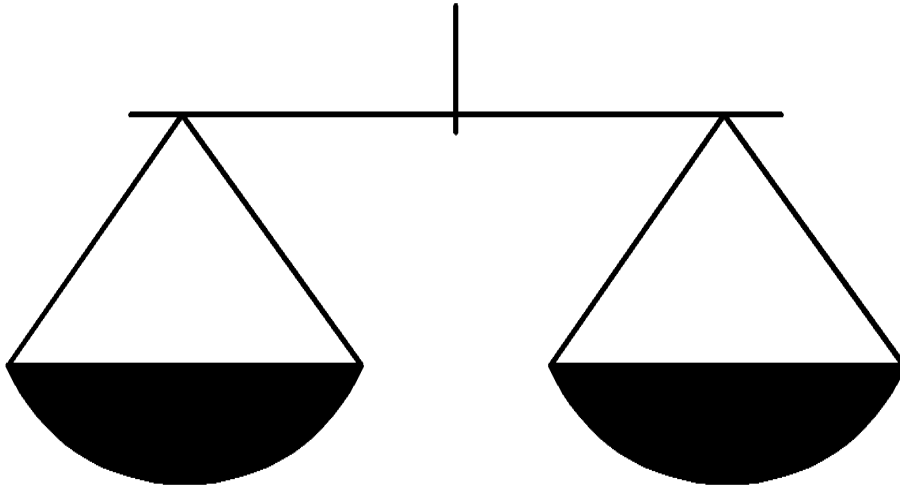
As the victim of a delinquent act, it may be beneficial to seek counseling to help you cope with the emotional turmoil arising from the delinquent act. Counseling need not be long term and it doesn't mean you are "going crazy." Talking with a trained and objective counselor may help you realize that some of the emotional problems that you may be experiencing are quite normal.

There are many counseling centers and counselors in the Phoenix metropolitan area that are specially trained in providing assistance to crime victims. Many agencies provide counseling on a sliding scale, depending on your

income. Most health insurance policies also provide for counseling services. If you would like more information about counseling or would like to be referred to a counselor in your area, please call the Victim Witness Division, Juvenile Bureau.

## ***Civil Lawsuits***

If you are a victim of a delinquent act, you may file a civil lawsuit against the juvenile delinquent and his/her parents or legal guardians, or any other entity you believe to be at fault for your victimization. You may file a civil lawsuit yourself or you may seek the assistance of an attorney. The Maricopa County Attorney's Office cannot assist you with a civil lawsuit. If a juvenile defendant enters a guilty or no contest plea or is convicted at adjudication, this may be admissible in a civil lawsuit.



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## DEFINITIONS

**Accused** — a person or entity accused of committing a crime.

**Adjudication** — in terms of the adult system this would be known as a trial. The process of rendering a judicial decision as to whether the facts alleged in a petition or other pleading are true. An adjudication hearing is a court proceeding in which it is determined whether the allegations of the petition are supported by legally-admissible evidence.

**Advisory Hearing** — if the juvenile is not in custody, the juvenile, the juvenile’s parents, guardian or custodian, will be notified to appear before the court within thirty (30) days.

**Admission** — a statement establishing the guilt of the person making the statement.

**Arizona Department of Juvenile Corrections** — when a juvenile is sentenced to the Arizona Department of Juvenile Corrections, the juvenile is going to a detention center which is similar to when an adult goes to prison. This Department was formally known as the Arizona Department of Youth Treatment and Rehabilitation (ADYTR).

**Crime Victim Advocate** — an individual who works for an agency who primarily provides counseling, treatment, or other supportive assistance to victims of crime. A confidential source of support.

**Cross-Examination** — questions asked of a witness by the attorney for the party that did not call the witness to testify.

**Defendant (Juvenile)** — a person under the age of eighteen years of age (child) who is charged with committing a delinquent act.

**Defense Attorney** — an attorney employed by the defendant or the Public Defender’s Office whose job it is to represent the juvenile defendant’s interests in delinquency proceedings.

**Delinquency** — the commission of an illegal act by a juvenile. A child is “delinquent” when he or she has been found guilty.

**Deposition** — an interview of a witness set by court order, taken under oath and recorded by a court reporter.

**Deputy County Attorney (prosecutor)** — an attorney employed by the Maricopa County Attorney’s Office whose job it is to prosecute those accused of committing a crime in Maricopa County.

**Detained Advisory Hearing** — a hearing held within 24 hours of a juvenile’s detainment to notify the juvenile of charges, set time for Adjudication Hearing (trial), or accept plea and order disposition (sentence) for the juvenile.

**Detention** — the temporary confinement of a minor by a public officer pursuant to law.

**Detention Hearing** — a judicial hearing to determine the interim custody of a minor pending a hearing or the filing of a petition.

**Discovery** — the process by which the prosecutor and defense attorney learn of the evidence that the other party will present at trial.

**Disposition** — the order of a juvenile court determining what is to be done with a minor already within the court’s jurisdiction (at an adjudication hearing). In terms of the adult system this would be known as the sentence.

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**Evidence** - generally, proof put forth during a trial for the purpose of determining guilt or innocence.

**Investigation** — the process of collecting evidence by law enforcement officers or the prosecutor to determine if a crime has been committed.

**Not Guilty Plea** — a statement that a juvenile defendant enters in court denying committing the delinquent act.

**Petition** — a civil pleading filed to initiate a matter in juvenile court.

**Plea Agreement (plea bargain)** — negotiation of an agreement between the prosecuting and defending counsel, often with the agreement of the court, to have the accused plead guilty to certain reduced charges in return for the dismissal of others, or for a reduced disposition or penalty.

**Pre-Adjudication** — events that occur before the Adjudication Hearing.

**Pre-Adjudication Interviews** — informal interviews conducted by the prosecutor or defense attorney before the trial at which victims and witnesses are questioned about their knowledge of the crime(s). Victims have the right to refuse to submit to a pre-adjudication interview conducted by the defendant, the defendant's attorney, or an investigator for the defendant.

**Pre-Disposition Report** — a report prepared by a probation officer for the Judge's consideration at the Disposition Hearing. This report includes a review of the juvenile's behavior and family history.

**Probation** — in juvenile court, a disposition which allows the juvenile to remain at liberty under the supervision of a probation officer, frequently with a suspended commitment or sentence of imprisonment and usually with the parent(s) or custodian(s) of the child or out of home placement.

**Probable Cause** — a determination made by the Judge as to the likelihood that this juvenile committed the crime.

**Restitution** — the amount of money that the Judge orders the juvenile delinquent to pay the victim as a condition of the juvenile's sentence for the victim's out-of-pocket losses directly related to the delinquent act.

**Rule 11 Evaluation** — a psychiatric evaluation to determine if the juvenile can assist in his/her defense and is competent to stand trial.

**Subpoena** — a legal document requiring that the person named in the subpoena to appear on a stated day and time at a specified court to give testimony in a case.

**Testimony** — a statement or declaration made to establish a fact or facts and given under oath.

**Transfer** — the sending of a case from the juvenile court to adult court for trial.

**Victim** — by law, a person or business is a victim if the act committed by a juvenile would constitute a felony offense, or a misdemeanor offense involving physical injury, the threat of physical injury or a sexual offense if the act was committed by an adult.

**Victim Witness Advocate** — an individual employed by the Maricopa County Attorney's Office who primarily assists victims of crime and the prosecutor by providing information about the criminal justice system and victim's rights related services. A Victim Witness Advocate may speak with the prosecutor without a victim's consent. A Victim Witness Advocate is not the same as a "Crime Victim Advocate."

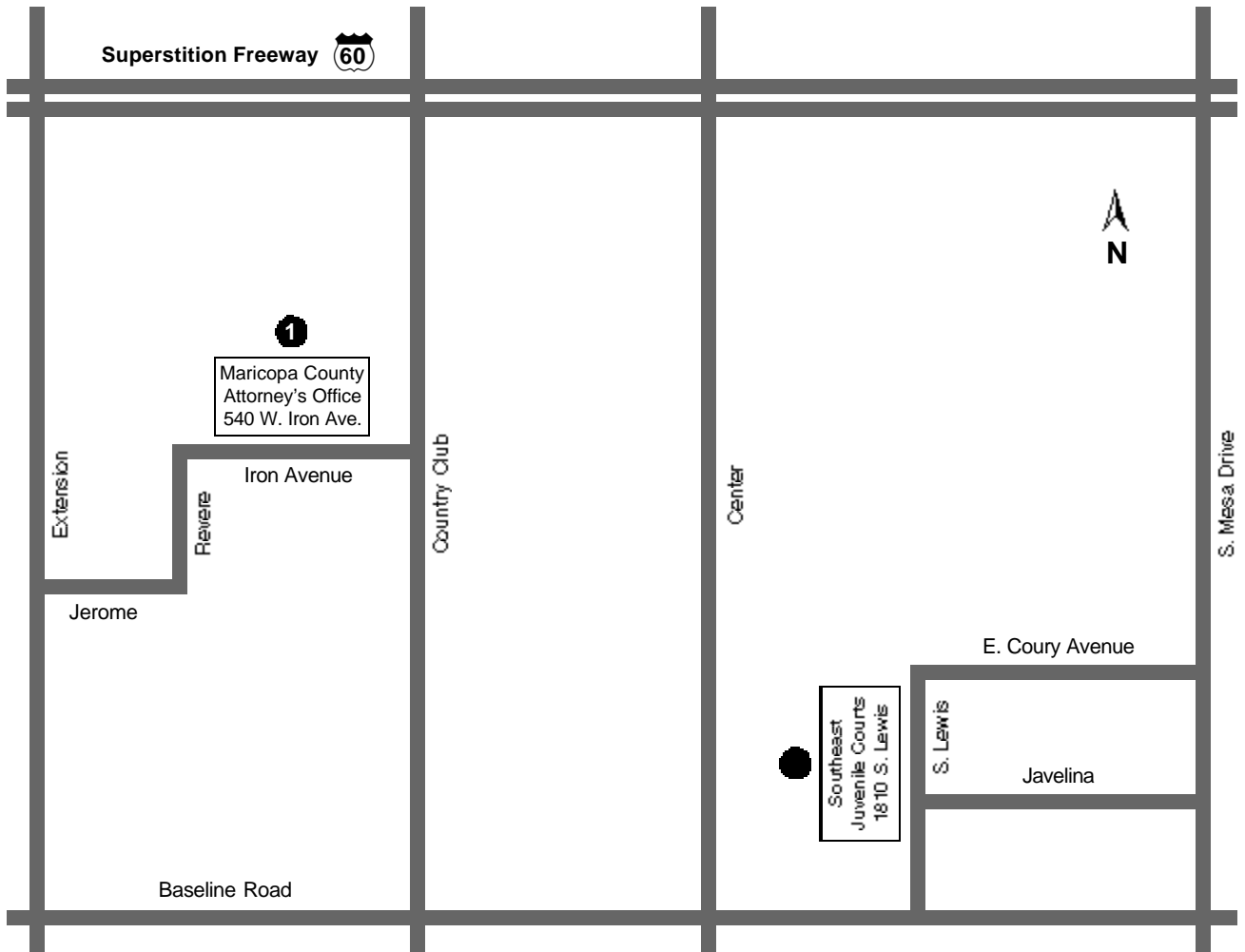
**Witness** — a person who has seen or knows something about the delinquent act.



**MARICOPA COUNTY ATTORNEY'S OFFICE**  
**Victim Witness Juvenile Eastside Bureau**

**1. Maricopa County Attorney's Office**  
540 W. Iron Avenue

**2. Southeast Juvenile Courts**  
1810 S. Lewis



**MARICOPA COUNTY ATTORNEY’S OFFICE**  
**Victim Witness Juvenile Westside Bureau**

**1. Juvenile Probation/Durango**  
3125 W. Durango

**2. Juvenile Court/Durango**  
3125 W. Durango

**3. Maricopa County Attorney’s Office**  
3501 W. Osborn

